

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6950

BILL NUMBER: SB 300

DATE PREPARED: Feb 1, 2002

BILL AMENDED: Jan 31, 2002

SUBJECT: Airport and Aircraft Offenses.

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill makes it a Class A misdemeanor for a person to enter a secured area of an airport. It makes it a Class A felony for a person to use force or violence to hijack an aircraft in flight. The bill makes it a Class B felony for a person to commit criminal confinement on an aircraft.

Effective Date: July 1, 2002.

Explanation of State Expenditures: (Revised) There are no data to indicate how many people may not be convicted for using reasonable force to prevent or stop another person from hijacking, attempting to hijack, or otherwise seizing or attempting to seize an aircraft in flight, as the bill would allow. In addition, there are no data available to indicate how many people may be convicted of a Class A misdemeanor for violation of federal regulations concerning airport security and airport operator security. The bill also would establish a Class A felony for using force or violence or the threat of force or violence to injure another person in an aircraft, subjecting another person to physical confinement in an aircraft, disrupting the operation of an aircraft, or hijacking an aircraft while in flight. The offense would have to occur when the plane is in the airspace above Indiana, from the time that the doors close for takeoff on the ground in Indiana, or before the doors open after landing on the ground in Indiana.

A Class B felony is punishable by a prison term ranging from 6 to 20 years depending upon mitigating and aggravating circumstances, and a Class A felony is punishable by a prison term ranging from 20 to 50 years.

The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately 10 months, for Class B felony offenders is 3.7 years, and for Class A felony offenders is approximately 9.1 years.

The average expenditure to house an adult offender was \$22,131 in FY 2000. Individual facility expenditures ranged from \$16,442 to \$40,312. (This does not include the cost of new construction.) If offenders can be

housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Explanation of State Revenues: (Revised) If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony, a Class B felony, and a Class A felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase.

A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.